IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 221 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT
and
Hon'ble MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHUSHILABEN WD/O SURESH SANTARAM CHAUHAN

Versus

UGABHAI DESAIBHAI MANGWAR

Appearance:

1. First Appeal No. 221 of 1984

MR MC SHAH for the appellants

NOTICE SERVED for Respondents No. 1-2

MR SUNIL B PARIKH for Respondents No. 3,3

CORAM : MR.JUSTICE Y.B.BHATT
and
MR.JUSTICE M.H.KADRI

Date of decision: 21/02/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. This is an appeal under section 110-D of the Motor Vehicles Act, 1939, at the instance of the original claimants, challenging the judgment and award of the Motor Accident Claims Tribunal (Aux.), Nadiad, in Motor Accident Claim Application No.294 of 1981. The said claim application had been preferred by the appellants under Section 110-A of the said Act claiming compensation for the death of the husband of the first appellant-applicant and the minor children of the deceased on account of an accident, which occurred at about 9.30 p.m. on 22nd June 1980, wherein, the deceased was driving an Ambassador car as an employee of Sail Authority of India Limited. Learned counsel for the appellants raised a number of contentions. On the basis thereof, it was submitted that the compensation awardable to the appellants-claimants ought to have been at a far higher figure.

2. In this context, we have heard learned counsel for the appellants as also learned counsel for respondent No.3 the insurer.

3. We have examined all these contentions on the basis of the scrutiny of the impugned judgment and award as also of the relevant oral and documentary evidence pointed out to us from the record and proceedings of the claim application.

4. As a result of the hearing and discussion, the learned counsel for the respective parties submitted that the Court may determine a fair and just compensation which ought to be awarded to the appellants-claimants on the basis of their submissions on the relevant materials, without the necessity of giving reasons.

5. In the light of the above submissions, we have applied our mind to the facts of the case as disclosed by the evidentiary material on record. Consequently, we find and hold that the appellants-original claimants shall be entitled to an aggregate compensation in the sum of Rs.75,000/- (Rupees Seventy Five Thousand only) together with interest at the rate of 6% per annum from the date of the claim petition till realisation.

6. It is, accordingly, so directed.

7. Consequently, this appeal is partly allowed with no order as to costs. Decree accordingly.

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(swamy)